

Amendment and Response

Applicant: John Rebhorn et al.

Serial No.: 09/781,582

Filed: February 12, 2001

Docket No.: 5515USA

Title: PORTABLE, SIDE-BY-SIDE COMPARTMENT CONTAINER AND
METHOD FOR SEPARATELY STORING AND DISPENSING TWO CONSUMABLE PRODUCTS,
ESPECIALLY CEREAL AND MILK

REMARKS

This Amendment is responsive to the Office Action mailed April 24, 2002. In that Office Action, claims 1 – 9, 14, 16, 17, 19, 22 – 24, 30, 32, 33, and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by Simmons, U.S. Patent No. 4,148,417 (“Simmons”). Claims 38 and 44 – 46 were rejected under 35 U.S.C. §102(b) as being anticipated by Simmons as evident by Binter, U.S. Patent No. 5,753,422 (“Binter”). Claims 1 – 9, 16, 17, 19, 22 – 24, 32, 33, and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by Maines, U.S. Patent No. 5,921,440 (“Maines”). Claims 1 – 12, 16, 17, 19, 22 – 28, 32, 33, and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by Ness, U.S. Patent No. 5,588,561 (“Ness ‘561”). Claims 1-10, 16 – 24, 32 – 40, 42, 45, and 46 were rejected under 35 U.S.C. §102(b) as being anticipated by Ness, U.S. Patent No. 5,753,289 (“Ness ‘289”). Claims 13 and 29 were apparently rejected under 35 U.S.C. §103(a) as being unpatentable over Simmons in view of Stegath, U.S. Patent No. 1,363,064 (“Stegath”). Claims 15, 31, 41, and 43 were apparently rejected under 35 U.S.C. §103(a) as being unpatentable over Ness ‘289 in view of Newarski, U.S. Patent No. 5,727,679 (“Newarski”). Claim 40 was rejected under 35 U.S.C. §103(a) as being unpatentable over Simmons in view of Binter. Finally, claims 1 – 46 were provisionally rejected under the judicially created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims of co-pending Application Serial No. 09/781,583 in view of one or more of Ness ‘561, Newarski, Simmons, and Stegath. With this Response, claims 1, 15, 19, 22, 26, 35, and 38 have been amended, and newly presented claims 47 – 51 added. It is believed that all claims are now in a condition for allowance.

Provisional Rejections

With respect to the provisional rejections of claims 1 – 46 under the judicially created Doctrine of Obviousness-Type Double Patenting, an appropriate Terminal Disclaimer relating to U.S. Application Serial No. 09/781,583 is included with this Response. It is respectfully submitted that in light of this Terminal Disclaimer, all obviousness-type double patenting rejections have been traversed.

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35 U.S.C. §§102, 103 Rejections

Aspects of the present invention relate to a dual compartment container adapted to promote convenient, simultaneous consumption of contained consumable products. In this regard, the openings associated with embodiments of the compartments (e.g., spout and mouth) are uniquely configured to facilitate this desired consumption without the requirement of a separate cap that regulates product flow. This is in direct contrast to the various cited references. In particular, each of Simmons, Maines, Ness '289, and Ness '561 require a separate cap component that regulates flow from two container compartments. That is to say, without the separate flow control cap, the containers of Simmons, Maines, Ness '561, and Ness '289 will uncontrollably dispense contained products. Clearly, this is a distinct disadvantage. Alternatively, and in accordance with preferred embodiments, compartment flow openings/passages are uniquely configured to facilitate desired dispensement/flow of two different consumable products having differing flow characteristics. The cited references are either unconcerned with the distinct problems presented by simultaneous consumption of differing products (e.g., Simmons and Maines) and/or do not adequately address the problems (e.g., Ness '561 and Ness '289).

For example, Simmons provides a squeeze-type dispenser package for fluids having similar viscosities (e.g. ketchup and mustard). The container 11, 51 is comprised of two identical container halves. Each container half has an identically sized neck or mouth 18, 19, or 56. A cap must be placed over the so-defined mouth, and includes nozzles that effectuate desired flow from the respective container half. Maines similarly discloses a container consisting of two identically formed half-bottles for containing two similar liquids (e.g., ketchup and mustard). As best shown in FIG. 2 of Maines, the openings 25, 25A associated with the bottle halves are identical. A separate cap component 27 with a nozzle or spout 28 is required to effectuate desired flow. Similar to Simmons, the identically-formed bottle half openings of Maines greatly impede a user's ability to achieve desired, regulated product flow unless a separate cap is provided, and fails to address problems arising when the contents of the two bottle halves are dissimilar in terms of flow characteristics.

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Ness '561 and Ness '289 (identical specification, and thus collectively referred to as "Ness") identically teach a dual compartment container adapted to hold dry and liquid foods. In particular, a container 10 consisting of a cup 12 and a lid 14 is described. While the dry food compartment 16 and the liquid food compartment 18 defined by the cup 12 have differently-sized openings, the separate lid component 14 is required to achieve desired product flow for the dissimilar liquid and dry food products. That is to say, without the separate lid 14, a user attempting to dispense food products from the cup 12 alone will experience great difficulties in achieving necessary control over product flow.

In light of their reliance upon a separate flow-control cap and/or disregard for dispensing dissimilar products, none of the cited references contemplate, let alone teach or suggest, the compartment opening features provided by the present invention. For example, amended claim 1 relates to a container comprising first and second compartments assembled to one another in a side-by-side fashion. The first compartment forms a spout defining a spout internal surface that forms a passage. The second compartment includes a mouth defining a spout internal surface that forms an opening. Upon final assembly of the two compartments, the internal surfaces of the spout and mouth are positioned to each define an interior section and an exterior section. In this regard, the exterior section of the spout internal surface has a radius differing from a radius of the exterior section of the internal surface of the mouth. Examples of this configuration are provided in FIGS. 5B and 5C. None of the cited references teach or otherwise suggest at least this limitation. For example, the identically-formed openings of Simmons and Maines provide identical internal surface radii (as shown, for example, in FIG. 2 of Maines). While the interior sections associated with the compartment walls of Ness may or may not have differing radii, the exterior sections clearly have identical radii. As such, it is respectfully submitted that amended claim 1 is patentable over the cited references.

Claims 2 – 18 depend from amended claim 1, as previously described, amended claim 1 is not taught or otherwise suggested by the cited references. Therefore, claims 2 – 18 are similarly allowable.

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Amended independent claim 19 relates to a packaged good article including first and second compartments containing first and second consumable products, respectively. The first compartment forms a spout having a curved, convex interior wall. The second compartment is formed separate from the first compartment and forms a mouth having a curved, concave interior wall. This inventive configuration overcomes the disproportionate product flow concerns associated with the cited references. For example, due to the identically-shaped openings associated with the bottle-half designs of Simmons and Maines, the interior walls associated with the respective bottle-half mouths are linear (as shown, for example, in FIG. 2 of Maines).

Similarly, the only separate compartment embodiment taught by Ness does not include curved interior walls. In particular, FIG. 4 of Ness depicts the one envisioned separate compartment design that includes a liquid container 50 and a dry container 52. The interior wall(s) associated with these containers 50, 52 are not curved, and thus do not satisfy the convex and concave recitations of amended claim 19. Remaining embodiments of Ness provide an integrally formed cup 12, and not separately formed compartments. Thus, while the integral cup embodiments of Ness may teach a curved divider wall 17, Ness does not recognize, let alone teach, separate compartments with a curved spout and mouth, respectively. This failure by Ness is not surprising given a reliance upon a separate lid component to provide desired, regulated product flow. The focus of the one separate compartment embodiment of Ness is upon promoting "locking" interface between the containers 50, 52 (e.g., Ness '561, col. 5, lines 51 – 55). Ness achieves this interlocking relationship by providing the linear, angled interior wall design of FIG. 4. Notably, Ness cannot be viewed as suggesting a separate compartment configuration with curved interior walls. In particular, Ness specifically describes that the separate compartment design readily promotes assembly by a consumer. Were the curved interior wall 17 of the integral container embodiments incorporated into the separate compartment design of FIG. 4, a consumer would not be able to physically interlock the two compartments, especially in light of the fact that a consumer would not have access to an outer wrap-like material and/or glue needed to hold the two compartments together. Thus, modifying

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the embodiment of FIG. 4 of Ness to include curved interior compartment walls would impermissibly render the resultant container unsatisfactory for its intended purpose.

In light of the above, it is respectfully submitted that amended claim 19 is not taught or otherwise suggested by the cited references.

Claims 20 and 21 depend from amended claim 19. As previously described, amended claim 19 is not taught or otherwise suggested by the cited references. Thus, claims 20 and 21 are similarly allowable. Notably, claim 20 further recites that a liquid consumable product is contained in the first compartment that otherwise forms a spout. To this end, it will be recalled that the spout of claim 19 has a convex interior wall. With respect to Ness, even if the integrally formed container 12 embodiment is viewed as teaching or suggesting other limitations of claim 19, the Ness designs specifically designate the compartment 18 (FIG. 3) as maintaining liquid (whereas the compartment 16 contains dry food). As clearly shown, the interior wall of the liquid compartment 18 is concave. This is direct opposition to claim 20.

Amended claim 22 relates to a packaged good article including first and second compartments with first and second compartment openings. Each compartment opening defines a transverse cross-sectional area, with the second compartment opening including a concave section. Further, the transverse cross-sectional area of the second compartment opening is greater than that of the first compartment opening. None of the cited references teach or otherwise suggest at least these limitations. For example, all compartment openings associated with the Simmons and Maines designs are identical. The Ness configurations provide differently sized compartment openings. However, as best shown by the dashed lines of FIG. 2, the larger, dry food product compartment opening does not include a concave section as otherwise required by claim 35. Importantly, Ness cannot be viewed as suggesting that the larger, dry food product compartment include a concave section, as the sole purpose of the Ness configuration is to make the dry food product compartment larger in size than the liquid compartment. Were one or more of the transverse sides of Ness modified to include a concave section, the available storage volume would be decreased directly opposite of the Ness intent. Notably, the openings 27, 28 provided by the lid 14 of Ness similarly do not include a concave section, and are not centered

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relative to the cup body 12 as otherwise required by claim 22. In light of the above, then, it is respectfully submitted that amended claim 22 is allowable over the cited references.

Claims 23 – 34 depend from amended claim 22. As previously described, amended claim 22 is not taught or otherwise suggested by the cited references. As such, claims 23 – 34 are similarly allowable.

Amended independent claim 35 relates to a container including a first compartment, a second compartment, a first compartment opening, and a second compartment opening. The second compartment opening has a transverse cross-sectional area that is at least three times greater than a transverse cross-sectional area of the first compartment opening. None of the cited references teach or otherwise suggest at least these limitations. For example, Simmons and Maines, as previously described, provide identically-sized compartment openings. Due to the reliance of Simmons and Maines on a separate cap component to provide product flow control, neither reference can be viewed as suggesting the disproportionate opening areas of claim 22. While Ness envisions a food compartment 16 that is relatively larger than a liquid compartment 18, the actual compartment openings are only modestly different in terms of transverse cross-sectional area. For example, as best shown in FIG. 2 of Ness, the crescent-shaped opening of the liquid compartment is only slightly smaller in terms of transverse cross-sectional area than the dry food compartment. It is quite clear from this illustration that Ness does not teach one compartment opening being at least three times greater in transverse cross-sectional area than the other compartment opening. Nor does Ness suggest such a configuration; instead, Ness relies upon the separate lid for achieving desired regulation of product flow from the compartments. In light of the above, it is respectfully submitted that amended claim 35 is allowable over the cited references.

Claims 36 and 37 depend from amended claim 35. As previously described, amended claim 35 is not taught or otherwise suggested by the cited references. Therefore, claims 36 and 37 are similarly allowable.

Amended claim 38 relates to a method of manufacturing a container that separately contains two consumable products. Two compartments, configured for assembly to one another

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in a side-by-side fashion, are provided, with the first compartment forming a spout and the second compartment forming a mouth. A first consumable product is dispensed into the first compartment, the spout of which is then covered with a seal. This seal is not applied to the mouth. A second consumable product is dispensed into the second compartment, with the first and second compartments being assembled to one another. Finally, a cover is placed over the mouth and the seal. It is respectfully submitted that none of the cited references teach or otherwise suggest several of the limitations of claim 38.

For example, the Examiner has relied upon Simmons in view of Binter. While Simmons arguably inherently teaches dispensing product into two separate compartments, Simmons does not teach or suggest sealing the spout with a seal, and then covering the so-provided seal and mouth with a cover. Binter is equally unavailing. Therefore, Simmons in view of Binter does not teach or suggest the invention of amended claim 38.

Ness '289 (relied upon by the Examiner) is also lacking. Ness '289 does describe, with respect to the embodiment of FIG. 4, separate liquid food and dry food containers 50, 52 being separately stored with separate covers. However, when the containers 50, 52 are assembled to one another, the separate covers must be removed, and a single lid (such as the lid 14) placed over both containers. This is in direct contrast to the invention of amended claim 38, whereby the seal otherwise covering the spout remains in tact, and is subsequently covered by the cover that otherwise encompasses the mouth portion of the second compartment. In fact, Ness '289 specifically describes that the same snap cap lid is used not only for attachment to the assembled compartments, but also to cover just the liquid compartment when separately stored (Ness '289, column 5, lines 49 – 64). As such, Ness '289 does not teach or otherwise suggest a separate seal being placed over the spout in conjunction with a separate cover encompassing both the seal and mouth. Notably, none of the other cited references alter this conclusion. For example, Newarski (otherwise relied upon by the Examiner in rejecting claims 41 and 43) relates to a box-shaped package that, while providing separate packaging areas for milk and cereal, does not form a mouth or spout as otherwise set forth in amended claim 38. Further, Newarski does not teach or otherwise suggest a manufacturing technique/order in accordance with amended claim 38.

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In light of the above, it is respectfully submitted that amended claim 38 is not taught or otherwise suggested by the cited references.

Claims 39 – 46 depend from amended claim 38. As previously described, amended claim 38 is not taught or otherwise suggested by any of the cited references. As such, claims 39 – 46 are similarly allowable.

Newly Presented Claims

Newly presented claim 47 depends from amended claim 1. As previously described, amended claim 1 is not taught or otherwise suggested by the cited references. Therefore, newly presented claim 47 is similarly allowable. Further, newly presented claim 47 recites that the radius of the exterior section of the spout internal surface is less than the radius of the exterior section of the mouth internal surface. Support for this language is found, for example, in FIG. 5B. As previously described with respect to amended claim 1, the corresponding exterior sections of the various cited references are identical. Thus, claim 47 is patentably distinct.

Newly presented claim 48 depends from claim 16 that in turn depends from amended claim 1. As previously described, amended claim 1 is not taught or otherwise suggested by the cited references. Therefore, claim 48 is similarly allowable. Further, claim 48 recites that the container is adapted to require complete removal of the cap to expose an opening defined by the mouth. Support for this language is found, for example, in FIG. 1, whereby the cap 16 is provided as a continuous, closed structure. In contrast, the caps or lids associated with each of Simmons, Maines, and Ness each form passages configured such that the cap/lid is purposely not removed to allow product dispensement. As such, claim 48 recites additional, patentably distinct subject matter.

Newly presented claim 49 depends from amended claim 19. As previously described, amended claim 19 is not taught or otherwise suggested by the cited references. Therefore, claim 49 is similarly allowable. Further, claim 49 recites that the spout defines a circle in transverse-section and the mouth defines a non-circle in transverse cross-section. Support for this language

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is found, for example, in FIG. 5B. None of the cited references teach or otherwise suggest the limitations of claim 49. As such, claim 49 recites additional, patentably distinct subject matter.

Newly presented claim 50 and 51 depend from amended claim 35. As previously described, amended claim 35 is not taught or otherwise suggested by the cited references. As such, claims 50 and 51 are similarly allowable. Additionally, claim 50 recites that the transverse cross-sectional area of the second compartment opening is at least four times greater than the transverse cross-sectional area of the first compartment opening, and claim 51 recites a cross-sectional area difference of at least five times. Support for this language is found for example, at page 14, lines 7 – 11. For the reasons previously described, none of the cited references teach or otherwise suggest these limitations. Thus, it is respectfully submitted that claims 50 and 51 recite additional, patentably distinct subject matter.

CONCLUSION

It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

Applicants have enclosed a check for fees as set forth under 37 C.F.R. 1.16(b)(c). If additional fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471

Attached hereto is a marked-up version of the changes made to the specification and/or the claims by the current Amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

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The Examiner is invited to contact the Applicants' Representative at the below-listed
telephone number if there are any questions regarding this response.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein,
are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for
Patents, Washington, D.C. 20231 on this 18th day of July, 2002

By Timothy A. Czaja
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Robert A. Madsen

Group Art Unit: 1761

Docket No.: 5515USA (G180.137.101)



AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, D.C. 20231

**VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

Dear Sir/Madam:

This Amendment is responsive to the Office Action mailed April 24, 2002. Please amend the above-identified patent application as follows:

IN THE CLAIMS

Please add claims 47 – 51.

Please amend claims 1, 15, 19, 22, 26, 35, and 38 as follows:

**COPY OF PAPERS
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1.(Amended) A portable, single-use container for separately containing a first and a second consumable product, the container comprising:

a first compartment for containing a first consumable product, the first compartment tapering at an upper portion thereof to form a spout forming a passage along a spout internal surface; and

a second compartment for containing a second consumable product, the second compartment tapering at an upper portion thereof to form a mouth forming an opening along a mouth internal surface;

wherein the first and second compartments are assembled to one another in a side-by-side fashion such that the mouth abuts the spout, and further wherein upon final assembly, the spout and mouth are positioned such that each of the respective internal surfaces define an interior section and an exterior section, the exterior

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section of the spout internal surface having a radius differing from a radius of the
exterior section of the mouth internal surface.

2. The container of claim 1, wherein the first and second compartments each include a body portion having an exterior surface and an interior surface, the interior surfaces abutting each other upon final assembly.
3. The container of claim 2, wherein the respective interior surfaces are relatively planar.
4. The container of claim 1, wherein the first compartment includes a body portion, a neck, and the spout, the neck tapering in outer dimension from the body portion to the spout.
5. The container of claim 4, wherein the body portion of the first compartment defines an interior surface and an exterior surface, and further wherein the spout is substantially transversely aligned with the interior surface and substantially transversely offset from the exterior surface.
6. The container of claim 4, wherein the exterior surface of the first compartment body portion is arcuate in transverse cross-section, defining a maximum diameter, the spout being substantially centered relative to the maximum diameter.
7. The container of claim 1, wherein the second compartment includes a body portion, a neck, and the mouth, the neck tapering in outer dimension from the body portion to the mouth.
8. The container of claim 7, wherein the body portion of the second compartment defines an interior surface and an exterior surface, and further wherein the mouth is substantially transversely aligned with the interior surface and substantially transversely offset from the exterior surface.

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9. The container of claim 7, wherein the exterior surface of the second compartment body portion is arcuate in transverse cross-section, defining a maximum diameter, the mouth being substantially transversely centered relative to the maximum diameter.

10. The container of claim 1, wherein the mouth is configured to wrap about a portion of the spout upon final assembly.

11. The container of claim 10, wherein a portion of the mouth is concave in transverse cross-section for wrapping about a portion of the spout.

12. The container of claim 11, wherein a portion of the spout is convex in transverse cross-section, corresponding with the concave portion of the mouth.

13. The container of claim 1, wherein upon final assembly, respective bottoms of the first and second compartments are substantially aligned, and the spout extends to a height less than a height of the mouth.

14. The container of claim 1, further comprising:
a film wrapped about the first and second compartments to secure the first compartment to the second compartment.

15.(Amended) The container of claim 1, further comprising:
a membrane secured across ~~a~~the passage defined by the spout to seal the first compartment.

16. The container of claim 1, further comprising:
a cap selectively secured to the mouth.

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17. The container of claim 16, wherein the cap selectively encompasses the mouth and the spout.

18. The container of claim 1, wherein the first compartment contains milk and the second compartment contains cereal.

19.(Amended) A portable, single-use packaged good article comprising:

a first compartment tapering at an upper portion thereof to form a spout having a curved, convex interior wall;

a first consumable product contained within the first compartment;

a second compartment formed separate of the first compartment and tapering at an upper portion thereof to form a mouth having a curved, concave interior wall;

a second consumable product contained within the second compartment;

wherein the first and second compartments are assembled to one another in a side-by-side fashion such that the mouth abuts the spout, the first consumable product being contained separate from the second consumable product.

20. The packaged good article of claim 19, wherein the first consumable product is a liquid consumable product and the second consumable product is a dry consumable product.

21. The packaged good article of claim 20, wherein the liquid consumable product is milk and the dry consumable product is cereal.

22.(Amended) A portable, single-use container for separately containing a first and a second consumable product, the container comprising:

a first compartment for containing a first consumable product;

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a second compartment for containing a second consumable product, the first and second compartments being secured to one another in a side-by-side fashion and combining to define a body of the container;

a first compartment opening for dispensing a first consumable product from the first compartment, the first compartment opening having a transverse cross-sectional area less than a maximum transverse cross-sectional area of the first compartment; and

a second compartment opening for dispensing a second consumable product from the second compartment, the second compartment opening including a transverse concave section and having a transverse cross-sectional area less than a maximum transverse cross-sectional area of the second compartment, the transverse cross-sectional area of the second compartment opening being greater than the transverse cross-sectional area of the first compartment opening;

wherein at least one of the first and second compartment openings is substantially centered relative to the body.

23. The container of claim 22, wherein the first and second compartment openings are positioned side-by-side upon final assembly to define a pour region for the container, the pour region having a central axis substantially aligned with a central axis of the body.

24. The container of claim 23, wherein the body and the pour region are substantially circular in transverse cross-section.

25. The container of claim 22, wherein the first and second compartment openings are defined by respective side walls configured such that a portion of the second compartment opening side wall wraps about a portion of the first compartment opening side wall.

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26.(Amended) The container of claim 25, wherein the ~~second compartment opening side wall includes a concave section~~ is configured to receive a corresponding convex section of the first compartment opening side wall.

27. The container of claim 22, wherein the first compartment includes an integrally formed spout defining the first compartment opening.

28. The container of claim 27, wherein the second compartment includes an integrally formed mouth defining the second compartment opening.

29. The container of claim 28, wherein upon final assembly, respective bottoms of the first and second compartments are substantially aligned, and the spout extends to a height less than a height of the mouth.

30. The container of claim 22, further comprising:
a film wrapped about the first and second compartments to secure the first compartment to the second compartment.

31. The container of claim 22, further comprising:
a film secured across the first compartment opening for sealing the first compartment.

32. The container of claim 22, further comprising:
a cap selectively secured over the second compartment opening.

33. The container of claim 32, wherein the cap selectively encompasses the first and second compartment openings.

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34. The container of claim 22, wherein the first compartment contains milk and the second compartment contains cereal.

35.(Amended) A portable, single-use packaged good article comprising:

- a first compartment;

- a first consumable product contained within the first compartment;

- a second compartment secured to the first compartment in side-by-side fashion, the first and second compartments combining to define a container body;

- a second consumable product contained within the second compartment;

- a first compartment opening for dispensing the first consumable product from the first compartment, the first compartment opening having a transverse cross-sectional area less than a maximum transverse cross-sectional area of the first compartment; and

- a second compartment opening for dispensing the second consumable product from the second compartment, the second compartment opening having a transverse cross-sectional area less than a maximum transverse cross-sectional of the second compartment, the transverse cross-sectional area of the second compartment opening being at least three times greater than the transverse cross-sectional area of the first compartment opening;

wherein at least one of the first and second compartment openings is substantially centered relative to the container body.

36 The packaged good article of claim 35, wherein the first consumable product is a liquid consumable product and the second consumable product is a dry consumable product.

37. The packaged good article of claim 36, wherein the liquid consumable product is milk and the dry consumable product is cereal.

Amendment and Response

Applicant: John Rebhorn et al.

Serial No.: 09/781,582

Filed: February 12, 2001

Docket No.: 5515USA

Title: PORTABLE, SIDE-BY-SIDE COMPARTMENT CONTAINER AND
METHOD FOR SEPARATELY STORING AND DISPENSING TWO CONSUMABLE PRODUCTS,
ESPECIALLY CEREAL AND MILK

38.(Amended) A method of manufacturing a portable, single-use container separately containing two consumable products, the method comprising:

providing a first compartment tapering at an upper portion thereof to form a spout;
providing a second compartment tapering at an upper portion thereof to form a mouth,
the first and second compartment being configured for assembly to one another in
a side-by-side fashion;
dispensing a first consumable product into the first compartment;
covering the spout ~~to separate of the mouth with a seal that seals~~ the first consumable
product within the first compartment;
dispensing a second consumable product into the second compartment;
assembling the first and second compartments to one another; and
covering the mouth ~~and the seal with a cover~~;
wherein upon final assembly, the mouth abuts the spout.

39. The method of claim 38, wherein the second compartment is assembled to the first compartment before dispensing the second consumable product.

40. The method of claim 38, wherein the second compartment is assembled to the first compartment after dispensing the second consumable product.

41. The method of claim 38, further comprising:
aseptically sterilizing the first compartment before dispensing the first consumable product.

42. The method of claim 38, wherein the first consumable product is a liquid consumable product and the second consumable product is a dry consumable product.

Amendment and Response

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43. The method of claim 42, wherein the liquid consumable product is milk and further wherein dispensing milk occurs in an aseptically sterilized environment.

44. The method of claim 38, wherein assembly of the first and second compartments includes:

wrapping a shrink label about the first and second compartments.

45. The method of claim 38, wherein covering the second compartment includes selectively securing a cap over the mouth and the spout.

46. The method of claim 38, wherein the spout and the mouth combine to define a pour region, and further wherein assembling the first and second compartments includes substantially centering the pour region relative to a remainder of the container.

--47.(Newly Presented) The container of claim 1, wherein the radius of the exterior section of the spout internal surface is less than the radius of the exterior section of the mouth internal surface.

48.(Newly Presented) The container of claim 16, wherein the mouth defines an opening, and further wherein the container is adapted to require complete removal of the cap from the mouth to expose the opening.

49.(Newly Presented) The container of claim 19, wherein the spout defines a circle in transverse cross-section and the mouth defines a non-circle in transverse cross-section.

50.(Newly Presented) The container of claim 35, wherein the transverse cross-sectional area of the second compartment opening is at least four times greater than the transverse cross-sectional area of the first compartment opening.

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51.(Newly Presented) The container of claim 50, wherein the transverse cross-sectional area of the second compartment opening is at least five times greater than the transverse cross-sectional area of the first compartment opening.--